

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 219  
Committee Substitute Favorable 3/16/21  
PROPOSED SENATE COMMITTEE SUBSTITUTE H219-CSBRa-33 [v.1]  
05/26/2022 01:18:29 PM**

Short Title: Amend Environmental Laws.

(Public)

Sponsors:

Referred to:

March 4, 2021

A BILL TO BE ENTITLED  
AN ACT TO MAKE VARIOUS CHANGES TO THE ENVIRONMENTAL LAWS OF THE  
STATE.

The General Assembly of North Carolina enacts:

**DIRECTED INFRASTRUCTURE PROJECTS DEADLINE FOR REVERSION**

**SECTION 1.(a)** Definition. – The following definitions apply to this section.

- (1) Directed infrastructure grant recipient. – An entity receiving a direct allocation of funds from the State Fiscal Recovery Fund under Subsections 12.13.(d), 12.13.(e), 12.13.(f) or 12.14.(b) of S.L. 2021-180.
- (2) Applicable reversion provision. – Section 12.13.(c) of S.L. 2021-180, for directed water and sewer allocations under subsections (d), (e), and (f) of that Section, or Section 12.14.(i) of S.L. 2021-180, for directed stormwater allocations from the Local Assistance for Stormwater Infrastructure Investments Fund established by that section.

**SECTION 1.(b)** Submission Requirement. – Directed infrastructure grant recipients must provide a complete Request for Funding form with a project budget describing a project that is eligible for funding under applicable federal and State law no later than June 30, 2023.

**SECTION 1.(c)** Full Reversion. – Directed allocations shall fully revert on July 1, 2023, and be reallocated as set forth in the applicable reversion provision if the directed infrastructure grant recipient (i) fails to provide a form by the deadline set forth in this subsection, or (ii) provides a form describing a project ineligible for funding.

**SECTION 1.(d)** Partial Reversion. – If a directed infrastructure grant recipient submits a project budget by the deadline specified in subsection (b) of this section, but the budget is less than the direct allocation provided to them by S.L. 2021-180, then the portion of the directed allocation not required for the project shall revert on July 1, 2023, and be reallocated as set forth in the applicable reversion provision.

**AMEND SCIF RIVER DEBRIS FUNDING AUTHORIZATION**

**SECTION 2.(a)** Section 40.7.(a) of S.L. 2021-180 reads as rewritten:

**"SECTION 40.7.(a)** Funds transferred from the State Capital and Infrastructure Fund to the Department of Environmental Quality (Department) for stream debris removal shall be used for the removal and disposal of waterway debris from waters of the State located in a targeted river ~~basin~~ basin or other flood mitigation strategies prioritized through the Flood Resiliency Blueprint developed under the directive set forth in Section 5.9.(c) of this act. The



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Department shall develop a schedule for the removal and disposal of waterway debris from waters of the State located in a targeted river basin and shall contract with one or more appropriate and qualified private entities to carry out the debris removal and disposal activities."

**SECTION 2.(b)** Section 40.7.(b) of S.L. 2021-180 is repealed.

**SECTION 2.(c)** This section is effective when it becomes law and applies retroactively to July 1, 2021.

## **FLOOD RESILIENCY BLUEPRINT TECHNICAL CORRECTION**

**SECTION 3.(a)** Section 5.9.(c) of S.L. 2021-180 reads as rewritten:

**"SECTION 5.9.(c)** Flood Resiliency Blueprint. – Of the funds allocated in subdivision ~~(a)(1)~~(a)(7) of this section, the Department of Environmental Quality, Division of Mitigation Services (DMS), shall contract with an organization to develop a statewide Flood Resiliency Blueprint for major watersheds impacted by flooding, including, among others, the Cape Fear River and the Neuse River Basins. The watershed blueprint shall form the backbone of a State flood planning process that increases community resiliency to flooding, shall be a resource for riverine and stream management to reduce flooding, and should support the establishment and furtherance of local government stormwater maintenance programs. The blueprint shall identify the major watersheds affected by flooding and direct these funds toward the activities which are central to the creation of an actionable blueprint, namely flood risk assessment, identification of data gaps, and recommendations to reduce flood risk for each target watershed. When developing the blueprint with the organization selected, DMS shall ensure the blueprint incorporates local knowledge, community goals, projections of future flood risk, and the best available science and hydrologic modeling to create a decision tool for flood mitigation investments and strategies from local watersheds up to whole river basins. A successful blueprint should ultimately lead to a prioritized set of projects and funding strategies that the State can implement. DMS and the organization selected are encouraged to examine examples from other states such as the Louisiana Coastal Master Plan or the flood resiliency planning processes in South Carolina and Virginia. The organization shall send all necessary information to DMS on the implementation of the blueprint upon request by DMS. The organization shall submit an initial draft of the blueprint to DMS no later than December 31, 2023. DMS shall report by July 1, 2022, and annually thereafter to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the implementation of this subsection."

**SECTION 3.(b)** This section is effective when it becomes law and applies retroactively to July 1, 2021.

## **PROVIDE THE DIVISION OF MARINE FISHERIES FLEXIBILITY IN MAINTAINING DIVISION AIRCRAFT**

**SECTION 4.** Section 13.16 of S.L. 2010-31 is repealed.

## **ALIGN COASTAL AREA MANAGEMENT ACT PUBLIC NOTICE REQUIREMENTS FOR LAND-USE PLAN HEARINGS WITH EXISTING LOCAL GOVERNMENT NOTICE REQUIREMENTS**

**SECTION 5.** G.S. 113A-110(e) reads as rewritten:

"(e) Prior to adoption or subsequent amendment of any land-use plan, the body charged with its preparation and adoption (whether the county or the Commission or a unit delegated such responsibility) shall hold a public hearing at which public and private parties shall have the opportunity to present comments and recommendations. Notice of the hearing shall be ~~given not less than 30 days before the date of the hearing and published at least one time, not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.~~ Notice of the hearing shall state the date, time, and place of the hearing; the subject of the hearing; the

1 action which is proposed; and that copies of the proposed plan or amendment are available for  
2 public inspection at a designated ~~office in the county courthouse~~county or local government  
3 office during designated hours. Any such notice shall be published at least once in a newspaper  
4 of general circulation in the ~~county~~area."

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6 **DEQ STAKEHOLDER STUDY OF THE EXPRESS PERMIT AND CERTIFICATION**  
7 **REVIEW PROGRAM AND THE FAST-TRACK STORMWATER PERMITTING**  
8 **PROGRAM**

9 **SECTION 6.** No later than July 1, 2022, the Department of Environmental Quality  
10 shall convene a stakeholder working group to develop a mutually agreeable approach to expedite  
11 permit issuance under the following programs: (i) the express permit and certification review  
12 program established pursuant to G.S. 143B-279.13; and (ii) the fast-track permitting for  
13 stormwater management systems program established pursuant to G.S. 143-214.7B and 15A  
14 NCAC 02H . 1043 and .1044. The stakeholder group shall include industry experts, engineers,  
15 environmental consultants, relevant faculty from The University of North Carolina, and the North  
16 Carolina Home Builders Association and other development interests. The Department shall  
17 report its findings, including any recommendations for legislative action to improve permitting  
18 efficiencies under the programs, to the Joint Legislative Oversight Committee on Agriculture and  
19 Natural and Economic Resources no later than December 31, 2022.

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21 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes  
22 law.